

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
(Northern Division)

UNITED STATES OF AMERICA,)
)
and the STATE OF MISSISSIPPI,)
)
Plaintiffs,)
)
v.)
)
THE CITY OF JACKSON, MISSISSIPPI,)
)
Defendant.)
_____)

Case No. 3:12-cv-790-HTW-LGI

**UNITED STATES' STATUS REPORT
REGARDING ORDERS ON
SEWER SYSTEM**

Plaintiff the United States of America hereby files this Status Report Regarding Orders on Sewer System following the Court’s entry on July 31, 2023, of two orders on the City’s sewer system at Docket No. 39 (“Order”) and Docket No. 40 (“Stipulated Order on Sewer System” or “Stipulated Order”).

I. Public Comment Period

In accordance with the process described in the United States’ notice when it lodged the proposed Stipulated Order on July 26, 2023 (Dkt. No. 36), the U.S. Department of Justice published notice of the Stipulated Order in the Federal Register on August 1, 2023, thus commencing a period for public comment on the Stipulated Order that is open through August 31, 2023. 88 Fed. Reg. 50,177 (Aug. 1, 2023).

The Federal Register notice—attached as Exhibit 1—contains instructions on how to email or mail comments to the Justice Department. All written comments must be submitted or postmarked by August 31, 2023.

In addition to written comments, the Justice Department, the U.S. Environmental Protection Agency, and co-plaintiff the State of Mississippi, acting through the Mississippi Commission on Environmental Quality and the Mississippi Department of Environmental Quality (collectively “MDEQ”), are holding three meetings in the City of Jackson open to any members of the public who wish to attend and provide spoken comments:

1. August 21, 2023, 6:00-8:00 p.m. at Jackson State University, E-Center, 1230 Raymond Road, Jackson, MS 39204
2. August 22, 2023, 10:00 a.m.-12:00 p.m. at Tougaloo College, Bennie G. Thompson Academic Center, Tougaloo, MS 39174

3. August 22, 2023, 6:00-8:00 p.m. at Tougaloo College, Bennie G. Thompson Academic Center, Tougaloo, MS 39174

II. After the Public Comment Period

After the public comment period closes on August 31, 2023, the United States will review and provide serious consideration of all comments received on the Stipulated Order, whether written or received during the three public meetings, which will be professionally transcribed. The United States will endeavor to complete its review as quickly as it can. The United States will then file a report with the Court that summarizes and/or contains the comments and responds to the comments. At that time, the United States will inform the Court whether information in the comments regarding the Stipulated Order have disclosed facts or considerations indicating that the Stipulated Order is inappropriate, improper, or inadequate, such that the United States must withhold its consent to or withdraw from the Stipulated Order. *See* Stipulated Order (Dkt. No. 40) ¶ 34; Notice of Lodging (Dkt. No. 36). The time required for the United States to provide serious consideration and to respond to the comments depends upon the number and complexity of comments submitted by the August 31, 2023, closing date, as well as any time needed to consult with co-plaintiff MDEQ and the City.

III. Current Status of Sewer System

The United States understands that the Interim Third-Party Manager appointed in the Stipulated Order has taken operational control of the sewer system as of July 31, 2023. The City is prepared to fully cooperate with the ITPM to transition operation, maintenance, and control of the sewer system, to transfer System Revenues (as defined in the Stipulated Order), and to carry out its other duties under the Stipulated Order.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice

Dated: August 11, 2023

/s/ Angela Mo
KARL FINGERHOOD (PA Bar No. 63260)
ANGELA MO (CA Bar No. 262113)
Attorneys
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Tel: (202) 514-7519
Fax: (202) 616-2427
Email: Karl.Fingerhood@usdoj.gov
Angela.Mo@usdoj.gov

DARREN J. LAMARCA
United States Attorney for the
Southern District of Mississippi

Dated: August 11, 2023

/s/ Angela Givens Williams
ANGELA GIVENS WILLIAMS (MS Bar No. 102469)
Chief, Civil Division
Assistant United States Attorney
United States Attorney's Office
501 East Court Street, Suite 4.430
Jackson, Mississippi 39201
Tel: (601) 965-4480